

Appl. No. 09/904,311
Amdt. dated June 28, 2004
Reply to Office action of April 28, 2004

REMARKS/ARGUMENTS

In the final Office action dated April 28, 2004, the Examiner rejected pending claims 1-3, 5-6, 8, 11-14, and 16-19 as being obvious over the combination of Bansal, Grey, and Hogg, pending claims 4, 7, 9-10, and 15 as being obvious over the combination of Bansal, Grey, Hogg, and Kinney, and pending claims 9-10 as being obvious over the combination of Bansal, Grey, Hogg, and Takriti.

With this RCE and Preliminary Amendment, Applicants cancel claims 1-21 and add new claims 22-44. As explained below, Applicants respectfully submit that the pending claims are allowable over the art of record and respectfully request reconsideration and allowance of the pending claims.

New claim 22 requires, among other limitations, "determining private information using the bids submitted in the utility-independent auctions, wherein the private information comprises valuations, and determining risk attitudes using the private information and the bids submitted in the utility-dependent auctions." As explained below, the art of record does not teach or even suggest the above-cited combination of limitations. The Examiner, however, asserts that Bansal teaches that auction data from previously conducted auctions is analyzed and risk attitudes for bidders are determined.

Bansal appears to teach a market intermediary that receives a position from a buyer or a seller, obtains information on risk classes for the buyer and/or seller relevant to the new position, and computes risk premia charges that correspond to the obtained risk classes. See paragraph 0149. Bansal further appears to teach that a risk premium is a "charge applicable to the buyer (or seller) which it must pay in addition to the base price (or receive a payment reduced by this amount for the case of a seller) due to the uncertainty in the minds of the counterparty that the buyer (or seller) may not fulfill the obligations related to payment (or delivery) of goods." Paragraph 140. In other words, a risk class is based on concerns of the bidder (or seller) that the seller (or bidder) might not deliver (or pay for) the item or items involved in the transaction and a risk premium is a charge based on the risk class that the seller (or bidder) must

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pay. Even if the Examiner considers a risk class or a risk premium to be a risk attitude, a position with which the Applicants respectfully disagree, Bonsal does not teach that either a risk class or a risk premium is based on any private information as recited in claim 22. Thus, Bonsal does not teach or suggest "determining risk attitudes using the bids submitted in utility-dependent auctions and the private information" where the private information comprises valuations and is determined "using the bids submitted in utility-independent auctions." Furthermore, Grey and Hogg, alone or in combination, do not teach this requirement. For at least this reason, claim 22 is patentable over Bonsal, Grey and Hogg. Claims 23-25 depend on or from claim 22 and are allowable for at least the same reason as claim 22.

New claim 26 claims a computer system comprising, among other features, a processor that "determines private information using the bids submitted in utility-independent auctions, wherein the private information comprises valuations, and determines risk attitudes using the private information and the bids submitted in utility-dependent auctions." As previously explained, Bonsal does not disclose determining "risk attitudes using the private information and the bids submitted in utility-dependent auctions." In addition, neither Grey nor Hogg teach or suggest this requirement. For at least this reason, claim 26 is patentable over Bonsal, Grey, and Hogg. Claims 27-29 depend on or from claim 26 and are allowable for at least the same reason as claim 26.

New claim 30 claims a storage medium storing instructions that, among other limitations, "estimate private information using the bids submitted in the utility-independent auctions, and estimate risk attitudes based on the private information and the bids submitted in the utility-dependent auctions" where "the private information comprises valuations." As previously explained, Bonsal, Grey, and Hogg, alone or in combination, do not teach or suggest "estimating risk attitudes based on the private information and the bids submitted in the utility-dependent auctions." For at least this reason, claim 30 is patentable over the art of record. Claims 31-33 depend on or from claim 30 and are allowable for at least the same reason as claim 30.

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Claim 34 claims an auction design system including, among other features, "means for determining market structure, wherein...risk attitudes for the first plurality of bidders is determined using the private information and the utility-dependent auction data." Bonsal does not disclose any means for determining market structure wherein "risk attitudes for the first plurality of bidders is determined using the private information and the utility-dependent auction data." Instead, Bonsal appears to disclose computing a risk premium for a buyer or seller based on the risk classes of the buyer and/or seller. Further, neither Grey nor Hogg teaches or suggests this feature. For at least this reason, claim 34 is patentable over Bonsal, Grey, and Hogg. Claims 35-38 depend on or from claim 34 and are allowable for at least the same reason as claim 34.

New claim 39 includes, among other features, "determining risk attitudes for a second plurality of bidders using the private information and utility-dependent auction data." Bonsal alone, or in combination with Grey and/or Hogg, does not teach "determining risk attitudes for a second plurality of bidders using the private information and utility-dependent auction data." For at least this reason, claim 39 is patentable over the art of record. Claims 40-41 depend on or from claim 39 and are allowable for at least the same reason as claim 39.

New claim 42 includes, among other limitations, "determining a utility of wealth function of a second plurality of bidders using the joint distribution function and the utility-dependent auction data." Claim 42 is patentable over the art of record as the art of record does not teach or suggest the above-cited combination of limitations. Claims 43-44 depend on or from claim 42 and are allowable for at least the same reason as Claim 42.

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may

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be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicants respectfully request that a timely Notice of Allowance be issued in this case. If any fees or time extensions are inadvertently omitted or if any fees have been overpaid, please appropriately charge or credit those fees to Hewlett-Packard Company Deposit Account Number 08-2025 and enter any time extension(s) necessary to prevent this case from being abandoned.

Respectfully submitted,



Ellen Baker
PTO Reg. No. 50,272
CONLEY ROSE, P.C.
(713) 238-8000 (Phone)
(713) 238-8008 (Fax)
ATTORNEY FOR APPLICANTS

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
Legal Dept., M/S 35
P.O. Box 272400
Fort Collins, CO 80527-2400